

**KENTUCKY PERSONNEL BOARD
MINUTES OF MARCH 13, 2020**

1. The regular monthly meeting of the Kentucky Personnel Board was called to order by Chair Haines on March 13, 2020, at approximately 9:30 a.m., at 1025 Capital Center Drive, Suite 105, Frankfort, Kentucky. Per the Governor's Executive Order regarding COVID-19, Board members Mark O. Haines, Beverly Griffith, Catherine Monteiro, and Tanya Lawrence appeared by video teleconference. Judge Tommy Chandler appeared by telephone. Richard Waite appeared in person. Personnel Board staff also appeared in person.

Stafford Easterling, General Counsel, administered the oath of office to newly appointed member, Demetrius Holloway, who also attended via video teleconference and was welcomed by the Board.

Board Personnel Present:

Mark O. Haines, Chair
Beverly Griffith, Vice Chair
Catherine J. Monteiro, Member
Richard Waite, Member
Tanya Lawrence, Member
Judge Tommy Chandler, Member
Demetrius Holloway, Member
Mark A. Sipek, Executive Director and Secretary
Stafford Easterling, General Counsel
Cynthia Perkins, Administrative Section Supervisor
Gwen McDonald, Administrative Specialist

2. READING OF THE MINUTES OF THE REGULAR MEETING HELD FEBRUARY 10, 2020.

The minutes of the last Board meeting had been previously circulated among the members. Chair Haines asked for any additions or corrections. Mr. Waite moved to approve the minutes as submitted. Ms. Monteiro seconded and the motion carried 5-0. The Board members signed the minutes.

(Chair Haines did not vote, unless noted.)

3. **EXECUTIVE DIRECTOR AND SECRETARY'S REPORT**

Mr. Sipek discussed the signing of minutes, asking the Board members to sign their individual copies, and mail their signature sheets to staff.

Mr. Sipek updated the Board on the impact of the COVID-19 Executive Orders signed by Governor Beshear requiring Boards and Commissions to cancel in-person meetings and instead conduct meetings via teleconferencing. Due to the Governor's Order, all evidentiary hearings through the end of the month will be either canceled or converted to a pre-hearing conference. Also, all pre-hearing conferences will be conducted telephonically.

Mr. Sipek reported that staff will reduce hours in the office and work from home as much as possible. Any voice mail messages left for staff will appear on our email as well as on the phones, so they can be returned as soon as possible.

Lastly, Mr. Sipek reported that the April 2020 Board meeting would most likely be conducted by video teleconference.

4. **REPORT OF THE PERSONNEL CABINET**

The Hon. Gordon Rowe and the Hon. Rosemary Holbrook were present on behalf of the Personnel Cabinet via video teleconference. The Cabinet has been working hard to deal with the effects of the virus and to limit its spread to state government employees. In order to achieve this, the Governor has issued several Executive Orders, such as policies to limit the spread of the virus, including telecommuting and working from home, social distancing, increasing leave, and agency contingency plans. Mr. Rowe felt there would be more such Executive Orders forthcoming to help agencies deal with the COVID-19 issues and employee health.

5. **ORAL ARGUMENTS**

~~LaShawn Webster v. Justice and Public Safety Cabinet/Juvenile Justice (2019-112)~~
(Requested by Appellee)
Moved to April Board

6. **CLOSED SESSION/RETURN TO OPEN SESSION (Optional)**

All cases to be decided were moved to the April 2020 Board meeting. As such, the Board did not go into closed session during this meeting.

7. **CASES TO BE DECIDED**

The Board reviewed the following cases. At that time, the Board considered the record including the Hearing Officers' findings of fact, conclusions of law and recommendations, any exceptions and responses which had been filed, and oral arguments, where applicable.

- A. ~~James L. Howitz v. Transportation Cabinet (2019-100)~~
~~(Dismissal—Lack of Good Behavior—Sustained to the Extent)~~
~~--Appellee's Exceptions and Request for Oral Argument~~
~~Deferred from February Board~~
Moved to April Board
- B. ~~LaShawn Webster v. Justice and Public Safety Cabinet/Juvenile Justice~~
~~(2019-112) (Dismissal—Misconduct—Sustained to the Extent)~~
~~--Appellee's Exceptions & Request for Oral Argument~~
~~--Appellant's Response~~
~~Oral Argument March Board~~
Moved to April Board
- C. ~~Kristine Whitehill v. Justice and Public Safety Cabinet/Corrections~~
~~(2018-151 & 2018-152) (2 appeals) (Retaliation—Dismissed)~~
~~--Appellant's Exceptions~~
~~--Appellee's Response~~
Moved to April Board

Show Cause Orders – No Response Filed – Appeals Dismissed

- D. Robert Bell v. Justice and Public Safety Cabinet/Corrections (2019-238)
- E. Charles Lodestro v. Justice and Public Safety Cabinet/DJJ (2019-199 & 2019-200)
- F. Vicki Parsons v. Transportation Cabinet (2019-274)

Mr. Waite moved to accept the recommended orders and to dismiss the appeals for failure to prosecute the appeals. Ms. Lawrence seconded and the motion carried 5-0.

Show Cause Orders – Response Filed – Appeal Dismissed

- G. Leslie Eldridge v. Justice and Public Safety Cabinet/Corrections (2019-282)
--Appellant's Response – Untimely Filed

Ms. Monteiro moved to accept the recommended orders and to dismiss the appeals for failure to prosecute the appeals. Mr. Waite seconded and the motion carried 5-0.

8. WITHDRAWALS

Mr. Waite moved to accept the following withdrawals *en bloc* and to dismiss the appeals. Ms. Monteiro seconded and the motion carried 5-0. Ms. Lawrence abstained from Items "A, F, G, I, J, and K."

- A. Dianna Cole v. Cabinet for Health and Family Services & Personnel Cabinet (2019-278)
- B. Sandra Grace v. Commission on Human Rights (2020-020, 2020-021, 2020-022, 2020-023 & 2020-024) (5 appeals)
- C. James Gray v. Transportation Cabinet (2019-310)
- D. Marie Holtz v. Transportation Cabinet (2019-230)
- E. Jeremy D. Mollette v. Justice and Public Safety Cabinet/Juvenile Justice (2019-186)
- F. Emily Oostveen v. Energy and Environment Cabinet & Personnel Cabinet (2020-035)
- G. Leslie Patrick v. Education and Workforce Development & Personnel Cabinet (2019-246)
- H. Steven Roberts v. Justice and Public Safety Cabinet/Justice Training (2020-045)
- I. Melvin Taylor v. Justice and Public Safety Cabinet/State Police & Personnel Cabinet (2019-207)
- J. Mike Yeager v. Transportation Cabinet and Personnel Cabinet (2018-088)
- K. Constance Braswell v. Cabinet for Health and Family Services & Personnel Cabinet (2020-040)
- L. Trina Patty v. Department of Veterans Affairs (2018-234)

From: McDonald, Gwen (Personnel Board) GwenR.Mcdonald@ky.gov
Subject: March 2020 Board Minutes
Date: April 21, 2020 at 6:33 PM
To: Mark Haines mohaines@scrtc.com

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APR 27 2020
Personnel Board



9. **SETTLEMENTS**

Ms. Monteiro moved to issue a settlement order and to sustain the appeal to the extent set forth in the settlement as submitted by the parties. Ms. Lawrence seconded and the motion carried 5-0.

A. Sherry Smither v. Education and Workforce Development Cabinet (2019-151)

10. **OTHER**

Mr. Sipek stated that the oral argument in LaShawn Webster appeal would be held during the April 2020 Board meeting, depending upon the parties' availability.

Mr. Sipek requested to conference with Mr. Holloway following the meeting

There being no further business, Ms. Lawrence moved to adjourn the meeting. Mr. Waite seconded and the motion passed by acclamation. (9:52 a.m.)

Mark O. Haines, Chair
Chair

Beverly H. Griffith, Vice

Catherine J. Monteiro, Member

Richard Waite, Member

Tanya Lawrence, Member
Member

Judge Tommy Chandler,

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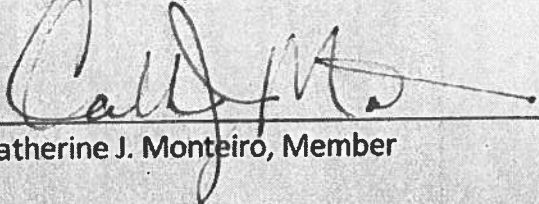
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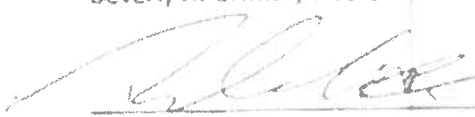
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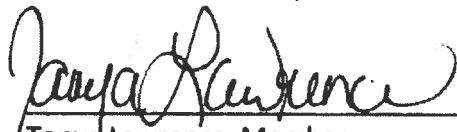
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Member

Judge Tommy Chandler,

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Tommy Chandler
Signature of Tommy Chandler